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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,727	09/29/2006	Yasushi Itou	1027550-000895	9393

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EXAMINER

OSINSKI, BRADLEY JAMES

ART UNIT	PAPER NUMBER
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3767

NOTIFICATION DATE	DELIVERY MODE
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07/23/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/594,727	Applicant(s) ITOU ET AL.	
	Examiner BRADLEY J. OSINSKI	Art Unit 3767	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9-29-2006</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoste (6,508,806).

a. Regarding claims 1-3, Hoste discloses an angiographic catheter with a lumen and stainless steel metal reinforcement embedded within the wall to vary catheter pitch (Col.3 lines 5-14) and the length of the catheter being 80-125 cm for coronary angioplasty. The catheter thus has distal and proximal portions of 40-62.5 cm in length. Additionally, disclosed is a connector part fixed to the proximal portion of the catheter body. Examiner notes that the state in which the catheter is held is functional language. In the interest of advancing prosecution, a second rejection is issued below.

b. Regarding claims 4 and 6, as can be seen in figure 1, the distal end has a curved shape in its natural state.

c. Regarding claims 5 and 7-9, the catheter of Hoste is capable of being held astride over two trays separately integrated with each other.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoste (6,508,806) in view of Bazaral (4,925,448) and Van Es (5,501,341).

d. Regarding claims 1-3, Hoste discloses an angiographic catheter with a lumen and stainless steel metal reinforcement embedded within the wall to vary catheter pitch (Col.3 lines 5-14) and the length of the catheter being 80-125 cm for coronary angioplasty. The catheter thus has distal and proximal portions of 40-62.5 cm in length. Additionally, disclosed is a connector part fixed to the proximal portion of the catheter body. While Hoste substantially discloses the invention as claimed, it does not disclose the states in which the catheter is held in a packaging. However, Bazaral discloses a proximal portion held in a curved state by the compartment and is covered by a plastic impermeable to microorganisms and particles. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to enclose the proximal half of Hoste in a plastic compartment/tray as disclosed by Bazaral to keep the distal portion protected from microorganisms and particles while the proximal portion is being attached to the appropriate machines. Van Es discloses the distal half held on a card in its natural state so that the catheter is not damaged as it is withdrawn from the plastic/tray. It would have been obvious to one of ordinary skill in the art to hold the distal end in its natural state on a card so that as the card is withdrawn, the distal end is not damaged.

e. Regarding claims 4 and 6, as can be seen in figure 1 of Hoste, the distal end has a curved shape in its natural state.

f. Regarding claims 5 and 7-9, While Hoste substantially discloses the invention as claimed, it does not disclose the catheter spanning two trays separately integrated with each other. However, Bazaral discloses a catheter spanning two trays as in figure 1 integrated into one package, but separated by different plastic films (figure 7). Therefore, it would have been obvious to one of ordinary skill in the art to use the trays of Bazaral so that the distal and proximal sections remain separate so that the other section remains protected microorganisms and particles while the other section is being setup/used.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY J. OSINSKI whose telephone number is (571)270-3640. The examiner can normally be reached on M-Th 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Simons can be reached on (571)272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3767

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley J Osinski/

Examiner, Art Unit 3767

/Kevin C. Sirmons/

Supervisory Patent Examiner, Art Unit 3767